

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division

UNITED STATES OF AMERICA

v.

4:07CR7

PATRICK ANDREW TAYLOR,

Defendant.

REPORT AND RECOMMENDATION
CONCERNING GUILTY PLEA

Defendant, by consent, has appeared before the undersigned pursuant to Rule 11, Federal Rules of Criminal Procedure, and referral from a United States District Judge and has entered guilty pleas to conspiracy to possess and distribute marijuana (Count One), and possessing a firearm, to wit: a silencer, without a serial number and/or registration in the National Firearms Registration and Transfer Record (Count 6), in violation of 21 U.S.C. § 846; 26 U.S.C. §§ 5841, 5845(a)(7), and 5871; 18 U.S.C. § 2. Defendant is also charged with distribution of marijuana (Counts 2 and 3), possession with intent to distribute marijuana (Count 4), possession of a firearm in furtherance of drug trafficking (Count 5), and possession of a firearm without a serial number (Count 7), in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(D); 18 U.S.C. § 924(c); 26 U.S.C. § 5861(1). Defendant understands that these charges will be dismissed upon acceptance of his guilty pleas, and the United States confirmed defendant's understanding.

On March 29, 2007, defendant appeared before the Court for the purpose of entering his guilty pleas. He was represented by retained counsel, Andrew Sacks, Esquire. Defendant was appropriate in appearance, responsive, and competently prepared for the hearing. He answered all

questions put to him in clear and concise language. On those occasions when he had a question, defendant consulted with counsel and then promptly answered. Defendant was courteous and appropriate in his behavior at all times and clearly understood the seriousness of his position. At the close of the proceeding, defendant was allowed to remain on bond, subject to the terms and conditions imposed when bond was set.

Defendant is forty-two years of age, attended school to the tenth grade and achieved a GED, and speaks English as his native language. There was no evidence that defendant was on drugs, alcohol, or medication which might impair his judgment. He was cooperative throughout the proceeding.

Defendant entered the guilty pleas pursuant to a plea agreement. The Court is completely satisfied, based upon defendant's responses, that he fully appreciates his position. Furthermore, he acknowledged that the statement of facts prepared in anticipation of his pleas accurately reflects the government's evidence, in the event of trial.

After cautioning and examining defendant under oath concerning each of the subjects mentioned in Rule 11, the Court determined that the offenses charged are supported by independent facts, establishing each of the essential elements of such offenses. Therefore, the Court recommends that the guilty pleas be accepted and that defendant be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this report and recommendation within ten days from the date of its service shall bar an

aggrieved party from attacking such report and recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

/s/
James E. Bradberry
United States Magistrate Judge

Norfolk, Virginia

April 2, 2007

Clerk's Mailing Certificate

A copy of the foregoing Report was mailed this date to each of
the following:

Andrew M. Sacks, Esquire
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Scott Putney, Esquire
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Norfolk, VA 23510

Fernando Galindo, Acting Clerk

By _____
Deputy Clerk

_____, 2007